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| 09/577,637      | 05/24/2000  | George A. Saliba     | Q00-1106-US1        | 7626             |

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EXAMINER

ALI, MOHAMMAD

ART UNIT PAPER NUMBER

2177

DATE MAILED: 08/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/577,637

Applicant(s)

SALIBA, GEORGE A.

Examiner

Mohammad Ali

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2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This communication is responsive to the application filed on May 24, 2000.

### ***Abstract***

2. The abstract of the disclosure is objected to because applicant's abstract should be more descriptive of the applicant's claimed invention. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figs. 1-5 as described in the specification. For example, placing a label, "servo field, magnetic tape, ring, cylinder, etc.", with elements 31, 20, 35, 30, 40 etc. of Fig. 2 and subsequent figures and so on would give the viewer necessary detail to fully understand this element at a glance. A ***descriptive*** textual label for ***each numbered element*** in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 4-7, 16-20, and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent

5,403,639 issued to Belsan et al. ("Belsan").

With respect to claim 1, Belsan teaches, "defining a logical cylinder on said storage medium (col. 13 lines 8-29), said cylinder comprising at least one storage ring at col. 22 lines 62 to col. 23 lines 11, and "recording on one of the at least one storage rings said data file" at col. 13 lines 8-29, "wherein a length of said logical cylinder is dynamically allocated based on the size of the data file" at col. 16 lines 3-31.

Claims 16 and 26 have same subject matter as of claim 1 except "determining the size of the data file" and Belsan teaches at col.13 lines 34-51 and essentially rejected for the same reasons.

As per 4 and 27, "...logical cylinder comprises a plurality of storage rings,..." at col. 16 lines 3-51.

As per claim 5, "...storage medium and aligning a recording head with said storage ring based on said tracking" at col. 22 lines 62 to col. 23 lines 21.

As per claim 6, "wherein information about the cylinders and storage rings is recorded on the storage medium" at col. 22 lines 62 to col. 23 lines 21.

As per claim 7, "wherein each file is associated with single ring" at col. 22 lines 62 to col. 23 lines 21.

As per claim 17, 29, and 30 "wherein said storage rings comprises tow substantially parallel logical tracks,..." at col. 16 lines 3-31.

As per claims 18 and 31, "...storage medium comprises logical tracks,..." at col. 22 lines 62 to col. 23 lines 21.

As per claims 19 and 20, "wherein said storage medium,..." at Fig. 2.

As per claim 28, "detecting a least of one previously logical cylinder" at col. 13 lines 4-29, "positioning a head assembly having a recording head in an area of the magnetic tape,..." at Fig. 2, Abstract,

"moving at least one of the magnetic tape,..." at Fig. 2, Abstract.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

“ A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

If this application currently names joint inventors, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary in considering patentability of the claims under 35 U.S.C. § 103. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

7. Claims 2, 3, 8-15, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,403,639 issued to Belsan et al. (“Belsan”) in view of US Patent 4,445,195 issued to Kazuhiko Yamamoto (“Yamamoto”).

Belsan renders obvious independent claim 2 by the following:

“wherein the length of said logical cylinder is selected so that substantially one half of the data selected for the data file is recorded,...”at col. 16 lines 3-51, Abstract.

Belsan does not explicitly teach longitudinal direction movement, but Yamamoto does teach at col. 5 lines 4-15.

Thus it would have been obvious to one ordinarily skilled in the art at the time of the invention was made to have the “longitudinal direction movement for capable of recording picture information such as document and which is capable of retrieving and outputting recorded picture information as needed” of Yamamoto to “file server system that creates and manages copies of data made external to a host processor” of Belsan in order to have means to copies of data in the longitudinal direction movement in a tape at col. 5 lines 4-5, Yamamoto.

As per claim 3, same as above and Belsan teaches, "...data selected from a beginning portion and end portion of the data file" at col. 13 lines 8-51.

Belsan renders obvious independent claim 8 by the following:

"a magnetic tape,..." at Fig. 2,

"at least one logical cylinder extending along,..." at col. 22 lines 62 to col. 23 lines 11, and

"at least one data storage ring located entirely within a respective logical cylinder,..." at col. 13 lines 8-29.

Belsan does not explicitly teach longitudinal direction, but Yamamoto does teach at col. 5 lines 4-15.

Thus it would have been obvious to one ordinarily skilled in the art at the time of the invention was made to have the "longitudinal direction movement for capable of recording picture information such as document and which is capable of retrieving and outputting recorded picture information as needed" of Yamamoto to "file server system that creates and manages copies of data made external to a host processor" of Belsan in order to have means to copies of data in the longitudinal direction in a tape at col. 5 lines 4-5, Yamamoto.

Claim 16 has same subject matter as of claim 8, except "a control interface receiving data of a file to be recorded on the recording media,....", wherein said file data are recorded on said recording media,..." at col. 22 lines 62 to col. 23 lines 21, col. 16 lines 3-31 and essentially rejected for the same reasons.

Belsan does not explicitly teach longitudinal direction, but Yamamoto does teach at col. 5 lines 4-15.

Thus it would have been obvious to one ordinarily skilled in the art at the time of the invention was made to have the "longitudinal direction movement for capable of recording picture information such as document and which is capable of retrieving and outputting recorded picture information as needed" of Yamamoto to "file server system that creates and manages copies of data made external to a host processor" of Belsan in order to have means to copies of data in the longitudinal direction in a tape at col. 5 lines 4-5, Yamamoto.

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As per claims 9-15 same as above and Belsan teaches, "...logical cylinder is dynamically allocated based on the size of the data file" at col. 2 lines 55 to col. 3 lines 36, "...logical tracks and logical tracks of ring are recorded in opposite recording directions" at col. 31 lines 39-66, "...identification field is recorded on the magnetic recording surface, magnetic tape,..." at Fig. 2.

As per claims 22-25 same as above and Belsan teaches, "recording media is magnetic tape " at (Fig. 2), "logical tracks and ring,..." at col. 22 lines 62 to col. 23 lines 11.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Mohammad Ali

Patent Examiner

July 22, 2002

  
JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100